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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,642	10/01/2001	Kenji Nagai	SIMTEK6218	3686
25776	7590 07/30/2003			
ERNEST A. BEUTLER ATTORNEY AT LAW 500 NEWPORT CENTER DRIVE SUITE 945			EXAMINER	
			LE, DANG D	
NEWPORT BEACH, CA 92660			ART UNIT	PAPER NUMBER
			2834	0
			DATE MAILED: 07/30/2003	· Ø

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.							
Examiner Dang D.Le 2934		Application No.	Applicant(s)				
Dang D.Le - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply specified above is less than thirty (30) days, as reply with the statutory minimum of thirty (30) days, will be considered timely. If the period for reply specified shows is less than thirty (30) days, as reply with the statutory minimum of thirty (30) days, will be considered timely. If the period for reply specified shows in the maintern days and the statutory period will again st (30) (40) (40) (40) days, will be considered timely. If the period for reply specified shows in the maintern days and the statutory seriod value grad with the statutory minimum of thirty (30) days, will be considered timely. If the period for reply specified shows in the maintern days and the statutory seriod part of the statutory and the statutory and the statutory minimum of thirty (30) days, will be considered timely. If the period for reply specified shows in the maintern days and the statutory minimum of thirty (30) days, will be considered timely. If the period for reply specified shows in the statutory and the sta	055	09/682,642	NAGAI, KENJI				
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of town rays be available and/or the provisions at 37 CFR 1.736(a). In no event, however, may a raply be timely filled - Extensions of town rays be available and/or the provisions at 37 CFR 1.736(a). In no event, however, may a raply be timely filled - If No period for regly is pecified above, the maximum statutory period will apply add will expire SIX (5) MONTHS from the mailing date of this communication. - If NO period for regly is apposited above, the maximum statutory period will apply add will expire SIX (5) MONTHS from the mailing date of this communication. - If NO period for regly is apposited above, the maximum statutory period will apply add will expire SIX (5) MONTHS from the mailing date of this communication, even if travely filed, may reduce any examed patent form adjustment. See 37 CFR 1.734(b). - Status 1) □ Responsive to communication(s) filled on 22 May 2003. - 2a) □ This action is FINAL. - 2b) □ This action is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exp parts Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s)							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Enteresion of them may be entered by environment of 3° CPR 1.13(6). In no event, however, may a reply be timely filled Enteresion of other may be specified above is listed than the reply (30) days, a reply within the studency minimum of thirty (30) days, will be considered timely. If the period for reply specified above is listed than the reply (30) days, a reply within the studency minimum of the reply within the set or extended period for reply within the set of extended period for reply set of the communication. 1)							
2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-30 is/are pending in the application. 4a) Of the above claim(s) 2-9 and 20-30 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1 and 10-19 is/are rejected. 7) Claim(s) 1 and 10-19 is/are rejected. 7) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 01 October 2001 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) proved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(i) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(e)	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statute. Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). 	36(a). In no event, however, may a reply be y within the statutory minimum of thirty (30) d will apply and will expire SIX (6) MONTHS from the application to become ABANDON to the come ABANDON to the application to become the application to be application to become the application to become the application to be applicat	timely filed ays will be considered timely. om the mailing date of this communication. NED (35 U.S.C. § 133).				
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DETAILED ACTION

Election/Restrictions

1. Claims 2-9 and 20-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper dated 5/22/03.

2. Newly submitted claims 23-30 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claims 23-30 are directed to the position of brushes, classified in class 310, subclass 239.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 23-30 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

3. Applicant's election with traverse of claims 10-15 and 17-19 in Paper dated 5/22/03 is acknowledged. The applicant indicated that "there are not species in this case". However, the applicant agreed that "a requirement would be proper in this case between the article and method claims."

As a result, the restriction is still deemed proper and made final.

Claim Rejections - 35 USC § 102

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 5. Claims 1, 10-13, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Moribayashi et al. (U. S. Patent No. 5,576,588).

Regarding claims 1, 10-13, 16, and 17, Moribayashi et al. show all of the limitations of the claimed invention in Figures 13, 14 and 19.

Claim Rejections - 35 USC § 103

- 6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. Claims 14, 15, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moribayashi et al. in view of Isozumi.

Regarding claims 14, 15, 18 and 19, Moribayashi et al. show all of the limitations of the claimed invention except for the stiffening ribs.

Isozumi shows the stiffening ribs (21a) for the purpose of strengthening the end cap.

Since Moribayashi et al. and Isozumi are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

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It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the stiffening ribs as taught by Isozumi for the purpose discussed above.

Information on How to Contact USPTO

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

July 26, 2003

DANG LE PRIMARY EXAMINER

Somez L. h